



1645

Patent
Attorney's Docket No. 012627-023

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)

Frank ROSL et al)

Serial No.: 09/899,276)

Filed: July 6, 2001)

For: NOVEL REGULATORY
SEQUENCES OF THE MCP-1
GENE)

Group Art Unit: 1645

Examiner: Not yet assigned

ATTENTION: BOX SEQUENCE

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TRANSMITTAL LETTER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In complete response to the Office communication dated September
enclosed please find:

- ☒ [X] A copy of the "Sequence Listing" in computer readable form in c
37 C.F.R. §§1.823(b) and 1.824.
- ☒ [X] A statement that the content of the paper and computer readable c
same as set forth in 37 C.F.R. §1.821(f).

The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R.
§§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment to Deposit
Account No. 02-4800. A duplicate copy of this paper is enclosed.

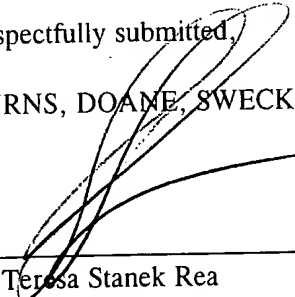
Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

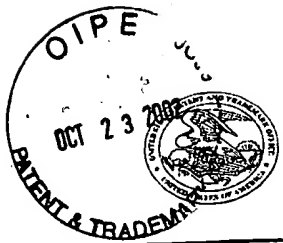
P.O. Box 1404
Alexandria, VA 22313-1404
(703) 836-6620

Date: October 23, 2002

By


Teresa Stanek Rea
Registration No. 30,427

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,276	07/06/2001	Frank Roesl	012627-023	3914

21839 7590 09/23/2002

BURNS DOANE SWECKER & MATHIS L L P
POST OFFICE BOX 1404
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EXAMINER

ANGELL, JON E

ART UNIT PAPER NUMBER

1635

DATE MAILED: 09/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

URGENT

Huber & Schussler
TSR

on

SEP 23 2002

9/26

ca.

9/27/02

Sequence Listing Due

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APPLICATION NO./CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR /PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

J. Eric Angell

ART UNIT	PAPER
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1635

DATE MAILED:

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Commissioner of Patents

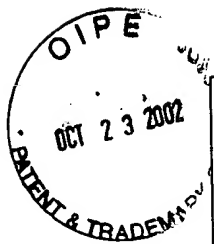
This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Specifically see Figure 6, page 5 second paragraph, page 14 last paragraph, page 18, page 22, claims, etc. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the one month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Angell whose telephone number is (703)-605-1165.

JEFFREY FREDMAN
PRIMARY EXAMINER

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Notice to Comply	Applicant(s) 09/899,276
	Examiner J. Eric Angell
	Art Unit 1635

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: _

Applicant Must Provide:

- ☒ An initial or **substitute** computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or **substitute** paper copy of the "Sequence Listing", as well as an amendment directing its entry into the **specification**.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216 or (703) 308-2923

For CRF Submission Help, call (703) 308-4212

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